

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

INFORMATION ASSOCIATED WITH THE FOLLOWING  
FACEBOOK USER: USERNAME: "Charles Richards"; AND  
FACEBOOK ID: 100029108437554; that is stored at premises  
controlled by Facebook Inc.

Case No. 5:20-mj-91

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit.

located in the \_\_\_\_\_ District of \_\_\_\_\_ South Dakota \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

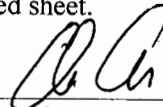
The search is related to a violation of:

*Code Section*  
18 U.S.C. §§ 2241(c) and 1153  
18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c)  
21 U.S.C. §§ 846, 841(a), and 841(b)(1)(D)

*Offense Description*  
Sexual Abuse of a Minor  
Commercial Sex Trafficking  
Conspiracy to Distribute a Controlled Substance

The application is based on these facts:

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature


FBI SA Christian M. Corwin

Printed name and title

Sworn to before me via reliable electronic communication.

Date: 4-20-2020

City and state: Rapid City, SD

  
Judge's signature

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH THE  
FOLLOWING FACEBOOK USER:

USERNAME: "Charles Richards";

AND FACEBOOK ID: 100029108437554;

that is stored at premises controlled by  
Facebook Inc.

5:20-mj-91

**AFFIDAVIT IN SUPPORT  
OF SEARCH WARRANT  
APPLICATION**

**Filed Under Seal**

State of South Dakota    )  
  ) ss  
County of Pennington    )

I, Christian Corwin, being duly sworn, state as follows:

1. I am an investigative or law enforcement officer of the United States, within the meaning of 18 U.S.C. § 2510(7) and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. I have been a Special Agent with the FBI since January 2009. I am currently assigned to a criminal squad with the Minneapolis Division of the FBI, Rapid City Resident Agency, and investigate a multitude of Federal criminal violations, including crimes in Indian country on the Pine Ridge Reservation.

3. The information set forth below is based upon my knowledge of an investigation conducted by the FBI and the investigation of other law enforcement agents and officers. I have not included each and every fact

obtained pursuant to this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the issuance of the search warrant.

4. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook user ID that is stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2241(c) and 1153, Sexual Abuse of a Minor, 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), Commercial Sex Trafficking, and 21 U.S.C. §§ 846, 841(a), and 841(b)(1)(D), Conspiracy to Distribute a Controlled Substance (marijuana) (hereinafter "Target Offenses") to require Facebook to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the user ID, as described in Attachment B.

#### **PROBABLE CAUSE**

5. On July 13, 2019, Oglala Sioux Tribe Department of Public Safety Lieutenant Jesse Brewer responded to a call of a report of a disclosure of sexual assault in which minor victim S.C. was sexually assaulted by Charles Richards at the residence of Francine Janis located in East Ridge Housing, Pine Ridge, SD, in late June or early July 2019.

6. On September 6, 2019, S.C. participated in a forensic interview and disclosed one instance of forcible penile-vaginal penetration by Charles Richards after Charles Richards pulled S.C. into the house through a window prior to S.C.'s 12th birthday (July 3, 2019).

7. On October 21, 2019, your affiant interviewed Charles Richards. During the interview, Charles Richards denied sexually assaulting S.C., advised that he only met S.C. on one occasion, denied taking S.C. into his bedroom, and further denied that S.C. was pulled into his bedroom.

8. On October 28, 2019, Charles Richards submitted to a polygraph regarding whether he had sexual assaulted S.C. Charles Richards submitted to a post-polygraph interview. Your affiant participated in this interview.

9. During the post-polygraph interview, Charles Richards initially stated he saw S.C. on only two occasions and that S.C. had not been in his (Charles Richards') room.

10. Later in the post-polygraph interview, Charles Richards told of a third time he learned that S.C. had come to his house. On this third occasion, Charles Richards did not see S.C. Charles Richards indicated this was the time S.C. reported being "grabbed" through the window and sexually assaulted. Charles Richards advised, "(S.C.) was never in [his] room." And he further stated, "[S.C.] never came through [his] window." Charles Richards stated the grabbing incident S.C. disclosed occurred after his two initial interactions with S.C.

11. Later in the post-polygraph interview, Charles Richards stated that he brought S.C. in his room and gave her a joint. When asked clarifying

questions, Charles Richards stated that two juvenile males present outside with S.C. removed the window screen and assisted S.C. to enter Richards' room through the window. Once S.C. was inside Charles Richards' room, Charles Richards gave S.C. a joint and then S.C. left his room. Charles Richards denied sexually abusing S.C.

12. Your affiant is aware that Charles Richards is an enrolled member of the Oglala Sioux Tribe and that Pine Ridge, SD, is within the exterior boundaries of the Pine Ridge Reservation.

13. On or about January 3, 2020, Casey Long a/k/a Casey Weston (Long) was shot and killed while standing inside of his residence in Pine Ridge. SA Doell is the case agent involving Long's homicide. Your affiant is aware that witnesses have identified Ricky Bagola as the suspect in that case. Your affiant is also aware that during the course of the investigation a search warrant was executed on the Target Account.

14. On or about January 3, 2020, Casey Long, a/k/a Casey Weston (Long), was shot and killed while standing inside of his residence in Pine Ridge. FBI SA Erik Doell is the case agent involving Long's homicide. Your affiant is aware that witnesses have identified Ricky Bagola as the suspect in that case.

15. Your affiant is also aware that during the course of the investigation a search warrant was executed on Dani Brown's Facebook Account. Your affiant received a separate and independent search warrant on Brown's Facebook account to authorize the search of it for evidence of the target offenses.



16. Your affiant is aware that the Brown conversed with minor S.C. Facebook User ID: 100027502995796 from January 2, 2019, until August 30, 2019. Brown and S.C. discussed S.C. feeling sad and depressed, cutting her hands, needing to go to the hospital, relationships, and general day-to-day information. Your affiant is aware that S.C. refers to Brown as her “mother.” Your affiant is unaware of the actual familial relationship, but based on the content of the messages, S.C. cares for Brown.

17. Your affiant is aware that Brown conversed with Richards on August 10, 2019, at 14:28:34 UTC. The following excerpt is taken directly from the Brown’s Facebook Messages.

**Author** Charles Richards (100029108437554)  
**Sent** 2019-08-10 14:28:34 UTC  
**Body** Got few dubbbs<sup>1</sup> who was that girl at you dismorning

**Author** Charles Richards (100029108437554)  
**Sent** 2019-08-10 20:16:15 UTC  
**Body** Wr you at

**Author** Charles Richards (100029108437554)  
**Sent** 2019-08-10 20:16:20 UTC  
**Body** Gassed

**Author** Charles Richards (100029108437554)  
**Sent** 2019-08-10 20:16:55 UTC  
**Body** Who was that girl you was at thismornibg

**Author** Dani Brown (100000416263270)  
**Sent** 2019-08-10 20:17:06 UTC  
**Body** Mm why

**Author** Charles Richards (100029108437554)  
**Sent** 2019-08-10 20:17:22 UTC  
**Body** Com over then

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<sup>1</sup> Your affiant is aware that dubbbs is a reference either a joint or marijuana.

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:18:07 UTC

**Body** I got dubbs

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:18:17 UTC

**Body** Borrow me one

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:19:17 UTC

**Body** Was gonna trade

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:19:29 UTC

**Body** Lol

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:19:33 UTC

**Body** This girl for sonyhing

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:19:40 UTC

**Body** Something

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:19:58 UTC

**Body** Wtf

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:20:02 UTC

**Body** Fucked up

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:20:08 UTC

**Body** Thats my baby sis

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:20:11 UTC

**Body** I just never seen her before

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:20:16 UTC

**Body** Wr aint like that

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:20:25 UTC

**Body** That ain't neither

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:20:32 UTC

**Body** We waas raised right n better than that

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:20:56 UTC

**Body** Dontchu ever

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:20:57 UTC

**Body** And yr taking her to ok boys house your baby sister

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:21:18 UTC

**Body** To who??

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:21:19 UTC

**Body** Just never seen her

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:21:24 UTC

**Body** That's all

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:21:32 UTC

**Body** Didn't no her



**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:21:37 UTC

**Body** Chill

**Author** Dani Brown (100000416263270)

**Sent** 2019-08-10 20:21:43 UTC

**Body** I list my little cousin. N shes my little sister plus my little cousins besty

**Author** Charles Richards (100029108437554)

**Sent** 2019-08-10 20:22:12 UTC

**Body** Crazy that's cool

Conversation ends.

18. Your affiant believes there is probable cause to search the Target Account for evidence of a violation of 18 U.S.C. §§ 2241(c) and 1153, Sexual Abuse of a Minor, 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), Commercial Sex Trafficking, and 21 U.S.C. §§ 846, 841(a), 841(b)(1)(D), Conspiracy to Distribute a Controlled Substance (marijuana), based on the conversation exchanged between the Brown and the Target Account. The Target Account first inquires with Brown writing, "who was that girl" you were with this morning. After a few more inquiries to Brown, Target Account again asks, "Who was that girl you was at this morn[ing]"[?] Brown inquires why Target Account was asking. Target Account then says he will trade a joint for something and then says, "This girl for som[ething]"[.] Brown responds, "Wtf" [What the f\*\*\*] [.] Brown responds to Target Account that the girl is her baby sister. Based on this reference, your affiant believes that Brown was indicating that the female she was with was young and that she was alarmed by Target Account's comment

about trading marijuana for a young girl. Your affiant also believes that the young girl could have been S.C. or a relative of S.C. and/or Brown.

19. Your affiant is requesting a search warrant authorizing the search of the Target Account for further information corroborative of violations of 18 U.S.C. §§ 2241(c) and 1153, Sexual Abuse of a Minor, 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), Commercial Sex Trafficking, and 21 U.S.C. §§ 846, 841(a), 841(b)(1)(D), Conspiracy to Distribute a Controlled Substance (marijuana).

#### **INFORMATION ON FACEBOOK**

20. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows individuals to specifically communicate with another person through a Facebook application called "Messenger." In my training and experience, people who engage in online criminal activity often also utilize Facebook to meet victims and other offenders and to chat. Even if Facebook was not utilized in the chat at issue, there is probable cause to believe there will be evidence regarding murder within the target Facebook account.

21. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

22. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

23. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

24. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the

application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

25. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

26. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook’s purposes, the photos and videos associated with a user’s account will include all photos and videos uploaded by that user that have not

been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

27. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.

28. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.

29. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third party (i.e., non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.

30. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things. Each



Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but people who visit the user's Facebook page cannot view it.

31. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.

32. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.

33. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

34. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given



user can include the following information from the user's profile: profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

35. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.

36. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications,

including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

37. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the user accessed or used the account. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining, the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events

relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Facebook “friends” to locate each other. This geographic and timeline information may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

38. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

#### **REQUEST FOR SEALING**

39. I further request that the Court order that the matter be sealed until further order of the Court. The matter is an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal the matter because premature disclosure may seriously jeopardize the ongoing investigation.

**LIMIT ON SCOPE OF SEARCH**

40. I submit that if during the search, agents find evidence of crimes not set forth in this affidavit, another agent or I will seek a separate warrant.

**INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

41. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

**REQUEST/JUSTIFICATION FOR ORDER OF NONDISCLOSURE**

42. The United States respectfully applies for an order of nondisclosure to Facebook under 18 U.S.C. § 2705(b) regarding the account associated with the following account: "Charles Richards"; FACEBOOK ID: 100029108437554 that is stored at premises controlled by Facebook Inc., (hereinafter "the accounts"). The United States is seeking this search warrant for user information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not required to provide notice to the

subscriber. Under § 2705(b), the United States may apply to the court for an order commanding Facebook not to notify the subscriber of the existence of the search warrant. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3). The basis for the request is that such disclosure could cause any person with access to the accounts, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation. Especially due to the ease of access to Facebook, its content can be modified by persons with internet access and sufficient account information. As such, the United States respectfully requests this Court enter an order commanding Facebook not to notify the user of the existence of this warrant.

### **CONCLUSION**

43. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that evidence of violations of 18 U.S.C. §§ 2241(c) and 1153, Sexual Abuse of a Minor, 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), Commercial Sex Trafficking, and 21 U.S.C. §§ 846, 841(a), 841(b)(1)(D), Conspiracy to Distribute a Controlled Substance (marijuana), are contained in the Target Account and your affiant requests a



search warrant authorizing the Target Account for evidence of the crimes described above.

44. Based on the forgoing, I request that the Court issue the proposed search warrant.

45. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A).

46. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.



Special Agent Christian Corwin  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to  
\_\_\_\_\_ in my presence  
X by reliable electronic means

this 20th day of April, 2020.



DANETA WOLLMANN  
U.S. MAGISTRATE JUDGE



**ATTACHMENT A**  
**Property to Be Searched**

This warrant applies to information associated with the Facebook User:

- USERNAME: "Charles Richards";
- AND FACEBOOK ID: 100029108437554;

that is stored at premises owned, maintained, controlled, or operated by Facebook Inc., a company headquartered in Menlo Park, California.

## **ATTACHMENT B**

### **Particular Things to be Seized**

#### **I. Information to be disclosed by Facebook**

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook Inc. ("Facebook"), including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for the user ID listed in Attachment A:

- (a) All contact and personal identifying information, including for: Facebook User: "Charles Richards"; and Facebook ID: 100029108437554; full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them;
- (d) All profile information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user

identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;

- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;
- (f) All "check ins" and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (i) All information about the Facebook pages that the account is or was a "fan" of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user's access and use of Facebook Marketplace;
- (m) The types of service utilized by the user;

- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (p) All records pertaining to communications between Facebook and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.
- (q) Any and all geo location data information.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of violations of 18 U.S.C. §§ 2241(c) and 1153, Sexual Abuse of a Minor, 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), Commercial Sex Trafficking, and 21 U.S.C. §§ 846, 841(a), 841(b)(1)(D), Conspiracy to Distribute a Controlled Substance (marijuana) from May 1, 2019, until the date of the warrant, for the user ID identified on Attachment A.

(Please fill out this form and return it with your subpoenaed records. It may avoid the necessity of someone from your office having to appear at trial and testify as to the authenticity of the records. Thank you.)

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS**  
**PURSUANT TO FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)**

I, \_\_\_\_\_, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by \_\_\_\_\_,

hereinafter PROVIDER), and my title is \_\_\_\_\_.

I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of PROVIDER. The attached records consist of (generally describe records, i.e., number of pages/CDs/megabytes) \_\_\_\_\_.

I further state that:

a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of PROVIDER, and they were made by PROVIDER as a regular practice; and

b. such records were generated by PROVIDER'S electronic process or system that produces an accurate result, to wit:

1. the records were copied from electronic device(s), storage medium(s), or file(s) in the custody of PROVIDER in a manner to ensure that they are true duplicates of the original records; and

2. the process or system is regularly verified by PROVIDER, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of )  
(Briefly describe the property to be searched )  
or identify the person by name and address) )

Case No. 5:20-mj-91

INFORMATION ASSOCIATED WITH THE FOLLOWING FACEBOOK )  
USER: USERNAME: "Charles Richards"; AND FACEBOOK ID: )  
100029108437554; that is stored at premises controlled by Facebook Inc. )

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_ South Dakota  
(identify the person or describe the property to be searched and give its location):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of the crimes of Sexual Abuse of a Minor, in violation of 18 U.S.C. §§ 2241(c) and 1153, Commercial Sex Trafficking, in violation of 18 U.S.C. §§ 1591(a)(1)(2), 1591(b)(1), and 1591(c), and Conspiracy to Distribute a Controlled Substance, in violation of 21 U.S.C. §§ 846, 841(a), and 841(b)(1)(D) as outlined in the affidavit in support of the search warrant, and Attachment B, which is incorporated herein by this reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before May 4, 2020 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann  
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued: 4-20-2020 1:50pm

  
Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate Judge  
Printed name and title

cc: AUSA Poppen  
clr



AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

**Return**

Case No.:

5:20-mj-91

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*